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Wendy A. Frick

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No.	:	7,223,552
IssueDate	:	May 29, 2007
Appl. No.	:	10/039,753
Applicant	:	Hazen, et al.
Filed	:	January 2, 2002
Group Art Unit	:	_____
Examiner	:	_____
Atty. Docket No.	:	26473/04177

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OFFICE OF PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CORRECTION OF ERROR IN SMALL ENTITY STATUS**

Sir:

On October 2, 2002, a small entity assertion was filed for the above-described application. On November 30, 2005, a Request for Continued Examination (RCE) was filed for this application with payment of a small entity fee. The RCE fee and all subsequent fees as a small entity were made in good faith.

It has now been established that such status as a small entity should be changed to a large entity status. Before the payment of the RCE fee, a change occurred whereby small entity status could no longer be claimed for applicants, and, through good faith error, the Office was not notified.

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After November 30, 2005, Applicant paid the following fees as a small entity. Applicants have now discovered that small entity status at the time of these fee payment was established in error and seek to have the error excused under 37 CFR 1.28(c).

**Itemization**

Fee type	Amount erroneously paid as small entity	Current non-small entity fees	Deficiency
RCE fee	\$395.00	\$810.00	\$415.00
<b>Total Paid</b>	<b>\$395.00</b>	<b>Total deficiency payment owed:</b>	<b>\$415.00</b>

The total fees erroneously paid under small entity status was \$395.00. The deficiency payment, which is the difference between the current non-small entity fees and the erroneously paid small entity fees is \$415.00. Please find enclosed a check in the amount of \$415.00, which is believed to be the amount required to excuse the error. It is believed that no further fee is required to excuse this error, however, if this is not the case the Patent Office is hereby authorized to charge any additional required fee to Deposit Account No. 03-0172, order number 26473/04177.

Respectfully submitted,

Date: October 8, 2008

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